

United States District Court

for the

Eastern District of Washington

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Aug 12, 2024

SEAN F. MCAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Cesar Cardenas Chavez

Case Number: 0980 4:18CR06039-EFS-2

Address of Offender: [REDACTED] Pasco, Washington 99301

Name of Sentencing Judicial Officer: The Honorable Edward F. Shea, Senior U.S. District Judge

Date of Original Sentence: April 16, 2019

Original Offense: Distribution of 500 Grams or More of Cocaine 21 U.S.C. § 841 (a)(1), (b)(1)(B)(ii)(II)

Original Sentence: Prison - 36 months
TSR - 48 months

Type of Supervision: Supervised Release

Asst. U.S. Attorney: Caitlin A. Baunsgard

Date Supervision Commenced: January 25, 2022

Defense Attorney: To be assigned

Date Supervision Expires: January 24, 2026

PETITIONING THE COURT

To issue a summons.

On January 31, 2022, a United States Probation Officer reviewed with the defendant all the conditions of his term of supervised release. He was provided with a copy of his conditions of supervision.

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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1	<u>Special Condition # 3:</u> You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.
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Supporting Evidence: Mr. Cardenas Chavez is considered to be in violation of his conditions of supervised release by consuming a controlled substance, cocaine, on or about July 8, 2024.

On July 12, 2024, Mr. Cardenas Chavez reported to the probation office. During this office visit, he admitted to the undersigned officer to having consumed cocaine on or about July 8, 2024. He signed a drug use admission form.

2	<u>Special Condition # 3:</u> You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.
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Supporting Evidence: Mr. Cardenas Chavez is considered to be in violation of his conditions of supervised release by consuming a controlled substance, marijuana, on or about July 8, 2024.

On July 12, 2024, Mr. Cardenas Chavez reported to the probation office. During this office visit, he admitted to the undersigned officer to having consumed marijuana on or about July 8, 2024. He signed a drug use admission form.

- 3 **Special Condition # 3:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: Mr. Cardenas Chavez is considered to be in violation of his conditions of supervised release by consuming a controlled substance, cocaine, on or about July 9, 2024.

On July 12, 2024, Mr. Cardenas Chavez reported to the probation office. During this office visit, he admitted to the undersigned officer to having consumed cocaine on or about July 9, 2024. He signed a drug use admission form.

- 4 **Special Condition # 3:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: Mr. Cardenas Chavez is considered to be in violation of his conditions of supervised release by consuming a controlled substance, marijuana, on or about July 9, 2024.

On July 12, 2024, Mr. Cardenas Chavez reported to the probation office. During this office visit, he admitted to the undersigned officer to having consumed marijuana on or about July 9, 2024. He signed a drug use admission form.

- 5 **Special Condition # 3:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: Mr. Cardenas Chavez is considered to be in violation of his conditions of supervised release by consuming a controlled substance, cocaine, on or about July 10, 2024.

On July 12, 2024, Mr. Cardenas Chavez reported to the probation office. During this office visit, he admitted to the undersigned officer to having consumed cocaine on or about July 10, 2024. He signed a drug use admission form.

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6 **Special Condition # 3:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: Mr. Cardenas Chavez is considered to be in violation of his conditions of supervised release by consuming a controlled substance, marijuana, on or about July 10, 2024.

On July 12, 2024, Mr. Cardenas Chavez reported to the probation office. During this office visit, he admitted to the undersigned officer to having consumed marijuana on or about July 10, 2024. He signed a drug use admission form.

7 **Special Condition # 3:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: Mr. Cardenas Chavez is considered to be in violation of his conditions of supervised release by consuming a controlled substance, cocaine, on or about July 16, 2024.

On July 16, 2024, Mr. Cardenas Chavez reported to the probation office. He completed a drug test during this office visit and the onsite test results were presumptive positive for cocaine. He denied any new use of cocaine. This drug test was sent to Abbott Laboratory for confirmation. The probation office later received the drug test report confirming a positive result for cocaine.

8 **Special Condition # 2:** You must undergo a substance abuse evaluation and, if indicated by a licensed/certified treatment provider, enter into and successfully complete an approved substance abuse treatment program, which could include inpatient treatment and aftercare upon further order of the court. You must contribute to the cost of treatment according to your ability to pay. You must allow full reciprocal disclosure between the supervising officer and treatment provider.

Supporting Evidence: Mr. Cardenas Chavez is considered to be in violation of his conditions of supervised release by failing to comply with substance abuse treatment requirements by failing to attend a scheduled results appointment at Merit Resource Services (Merit) on or about July 2, 2024, and again on August 9, 2024.

On July 12, 2024, Mr. Cardenas Chavez was referred to Merit for a substance abuse assessment and for random drug testing as required, as a result of his ongoing drug use as noted above. He completed a substance abuse assessment on July 17, 2024. He was then scheduled to return to Merit for a results appointment on August 2, 2024.

On August 9, 2023, the substance abuse treatment counselor informed the undersigned officer, Mr. Cardenas Chavez called and rescheduled this results appointment from August 2, to 9, 2024, at 8 a.m. However, on August 9, 2024, the defendant failed to attend this required appointment, and he did not contact the treatment counselor in advance. The

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defendant did not contact the undersigned officer to report he did not attend these appointments.

On this same date, after speaking with the treatment counselor, the undersigned officer made telephonic contact Mr. Cardenas Chavez. He admitted to the undersigned officer he rescheduled the original treatment appointment on August 2, 2024, because he was working out of town, and he admitted to not attending the appointment that he himself had scheduled for August 9, 2024, because he went camping and left early that same morning.

The U.S. Probation Office respectfully recommends the Court issue a summons requiring the defendant to appear to answer to the allegation(s) contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: August 9, 2024

s/Elizabeth Lee

Elizabeth Lee
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
☐ The Issuance of a Warrant
☒ The Issuance of a Summons
☐ Other



Signature of Judicial Officer

August 12, 2024

Date